



PATENT
DP-305565

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Bryan P. Riddiford et al.)
Docket No.: DP-305565) Examiner: Williams, Thomas J
Serial No.: 10/081,122 ✓)
Filed: February 22, 2002) Art Unit: 3683
Title: FAST RELEASE MODE IN A FORCE)
GENERATING APPARATUS) Confirmation Code: 8542

Mail Stop Petition
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO REVIVE ABANDONED APPLICATION
UNDER 37 CFR 1.137(b)

Dear Sir or Madam:

Responsive to the Decision dated July 8, 2005, dismissing Applicants' February 15, 2005, Petition under 37 CFR 1.183, and as advised therein, Applicants hereby petition for revival of the above application under 37 CFR 1.137(b) and respectfully submit that abandonment of the application was unintentional.

As noted in the above-mentioned 183 Petition, responsive to the June 2, 2004, Final Office Action, in which claims 6-13 and 15-17 were subjected to a judicially created double patenting rejection over claims 6-13 and 15-17 of U.S. Patent No. 6,655,756 (Riddiford et al.) in view of U.S. Patent No. 5,496,102 (Dimatteo et al.), Applicants timely filed, on June 8, 2004, a terminal disclaimer executed by the undersigned attorney to overcome the rejection.

PATENT
DP-305565

Applicants submit that the terminal disclaimer filed June 8, 2004, was intended to be a proper response to the Final Office Action that would place the application in condition for allowance.

In a telephone call received from the Examiner by the undersigned in late December, 2004, the Examiner explained that the terminal disclaimer filed June 8, 2004, was forwarded to a paralegal at the Office for review. The paralegal's rejection of the terminal disclaimer apparently did not occur until December 21, 2004 -- six months and 11 days after receipt of the terminal disclaimer by the Office. At the time of the Examiner's telephone call, Applicants were unaware that the PTO had not accepted the terminal disclaimer. The Examiner stated in that discussion that he would be issuing an Advisory Action formally notifying Applicants that the terminal disclaimer had not been accepted, and advising that a new terminal disclaimer be filed to overcome the Final Rejection.

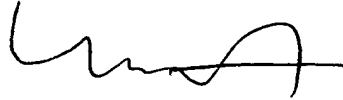
Responsive to January 13, 2005, Advisory Action, on February 15, 2005, Applicants filed a new terminal disclaimer having a 3.73(b) statement with the above-mentioned 183 Petition. Applicants submit that the new terminal disclaimer (a copy of which is also enclosed herewith) was the required reply to the Final Office Action as called for in the Advisory Action. In view of the unusual circumstances which lead to the unintentional abandonment of the application on September 3, 2005, long before Applicants were notified that the timely-filed response to the Final Office Action was not accepted, the 183 Petition was filed seeking entry of the new terminal disclaimer after the period for which a reply to the Final Office Action may be filed.

Applicants submit that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and request that the \$1500.00 petition fee called for under 37 CFR 1.17(m) be charged to Deposit Account No. 50-0831, Delphi Technologies, Inc. Applicants further request that the present application, revived, be allowed in view of the new terminal disclaimer overcoming the rejections set forth in the Final Office Action.

PATENT
DP-305565

In the event that Applicants have overlooked the need for an extension of time, payment of additional fee, or payment of additional amount of fee, Applicants hereby petition therefor and authorize that any charges be made to Deposit Account No. 50-0831, Delphi Technologies, Inc.

Respectfully submitted,



Michael D. Smith
Registration No. 40,181
Attorney for Applicants

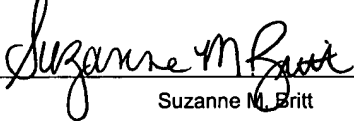
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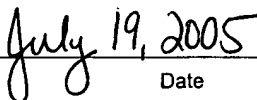
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Enclosures: Postcard
New terminal disclaimer

CERTIFICATE OF MAILING

The undersigned hereby certifies that this document is being deposited with the United States Postal Service in an envelope as first class mail addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.


Suzanne M. Britt


Date